



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 2, 1998

Ms. E. Cary Grace
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR98-2094

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID#118326.

The City of Houston (the "city") received a request for information regarding single family rehabilitation construction contracts entered into between Diamondhead International Sales Company and Joanne Collesano. You contend that a certain Uniform Residential Loan Application, and the financial information related to that application are responsive to that request but are excepted from the disclosure requirements of Government Code section 552.021, as confidential information pursuant to Government Code section 552.101 in conjunction with common-law privacy considerations. We have considered the exception you claim and have reviewed the documents submitted by you.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information coming within the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Id.* at 683-85. In Open Records Decision No. 373 (1983), this office addressed the availability of personal financial information submitted to a city by an applicant for a housing rehabilitation grant. In that decision, this office concluded:

all financial information relating to an individual -- including sources of income, salary, mortgage payments, assets, medical and utility bills, social security and veterans benefits,

retirement and state assistance benefits, and credit history -- ordinarily satisfies the first requirement of common law privacy.

....

we do not believe the second requirement of the common-law privacy test can ordinarily be satisfied where the only relation of the individual to government is as an applicant for a housing rehabilitation grant.

....

absent a showing of special circumstances, financial information relating to an individual applicant for a housing rehabilitation grant is excepted from disclosure by a common-law right of privacy.

In the instant case, there has been no showing of special circumstance and all of the information submitted relates to an individual's application for a housing rehabilitation grant. Accordingly, we are of the opinion that the documents submitted are confidential and that the city must not disclose this information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref.: ID# 118326

Enclosures: Submitted documents

cc: Alan J. Winters
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(w/o enclosures)